

REMARKS

Claims 1 to 11, 13, 14 and 16 to 26 are pending in the application, of which claims 1, 10 and 14 are the independent claims. Claims 12 and 15 have been cancelled. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicant acknowledges the Examiner's indication that claims 10, 11, 15 and 16 are allowable if rewritten to include the base claim and any intervening claims. Accordingly, claim 10 was written in independent form to include the features of claims 1 and 9. Independent claim 14 was rewritten to include the limitations of claim 15.

Turning to the specification rejections, claim 20 and its dependent claim 21 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly, Claim 20 has been amended to depend on claim 17. Withdrawal of the rejection is requested.

Since claims 11 and 13 depend on allowable claim 10 and claims 16 to 26 depend directly or indirectly on allowable claim 15, these claims are likewise allowable.

Turning to prior rejections, claims 1, 2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hori et al. (5,989,182). Hori is not understood to disclose or suggest an imaging probe that "is configured to rotate about the longitudinal axis of the elongated member relative to a stationary handle at the proximal end of the elongated member when applying a force perpendicular to the actuator." Rather, Hori shows an imaging probe that moves relative to a fix point on the longitudinal axis, but Hori does not show an imaging probe that rotates about the longitudinal axis relative to a stationary handle. Moreover, Hori does not show a force perpendicular to the actuator being applied.

Claims 1, 2 and 12 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Thompson (6,007,484). Thompson is not understood to disclose or suggest an imaging probe that "is configured to rotate about the longitudinal axis of the elongated member relative to a stationary handle at the proximal end of the elongated member when applying a force perpendicular to the actuator." Rather, Thompson rotates the imaging probe about the

Applicant : Yuri Kazakevich  
Serial No. : 09/925,826  
Filed : August 9, 2001  
Page : 5

Attorney's Docket No.: 00167-428001 / 02-31-0350

longitudinal axis by using a foot pedal control that sends an electrical signal to a motor in the handle of the endoscope thereby activating the motor to rotate the imaging probe about the longitudinal axis. Thompson does not describe applying a force perpendicular to the actuator at all in order to generate the rotation about the longitudinal axis.

For at least the foregoing reasons, claim 1 and its dependent claims are believed to be allowable.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant's undersigned attorney can be reached by telephone at the number shown below. All correspondence should continue to be sent to:

Smith & Nephew, Inc.  
Chief Patent Counsel  
1450 Brooks Road  
Memphis, TN 38116

Enclosed is a fee for \$110 for a one-month extension of time. If any other fees are due, please apply such fees to Deposit Account No. 06-1050 referencing attorney docket number: 00167-428001.

Respectfully submitted,

Date:

March 19, 2003



Timothy A. French  
Reg. No. 30,175

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 12 and 15 have ~~been~~ cancelled.

Claim 1, 4, 10, 13, 14, 16 and 20 has been amended as follows:

1. (Once Amended) an endoscope comprising:  
an elongated member having a longitudinal axis and a passage extending from a proximal end to a distal end of the elongated member;  
an imaging probe positioned at the distal end of the elongated member and including:  
an objective lens;  
an imager positioned to receive an image from the objective lens; and  
a light source for illuminating a target;  
a pivot mechanism mechanically coupled to the imaging probe;  
an actuating assembly extending through the passage of the elongated member and coupled to the pivoting mechanism, the actuator assembly including an actuator, wherein upon actuation of the [actuating mechanism] actuator, the pivot mechanism rotates the imaging probe relative to a point at the distal end of the elongated member;  
wherein the imaging probe is configured to rotate about the longitudinal axis of the elongated member relative to a stationary handle at the proximal end of the elongated member when applying a force perpendicular to the actuator.

4. (Once Amended) The endoscope of claim 1 wherein the actuating assembly includes a push rod assembly.

10. (Once Amended) [The endoscope of claim 9 further comprising] An endoscope comprising:  
an elongated member having a longitudinal axis and a passage extending from a proximal end to a distal end of the elongated member;  
an imaging probe positioned at the distal end of the elongated member and including:

an objective lens;

an imager positioned to receive an image from the objective lens;

a light source for illuminating a target;

a transmitter; and

a first power source electrically connected to the transmitter;

a pivot mechanism mechanically coupled to the imaging probe;

a transceiver located at the proximal end of the elongated member that receives signals from the transmitter and transmits the signals to a receiver that is external to the endoscope;

an actuating assembly extending through the passage of the elongated member and coupled to the pivoting mechanism, wherein upon actuation of the actuating mechanism, the pivot mechanism rotates the imaging probe relative to a point at the distal end of the elongated member.

13. (Once Amended) The endoscope of claim [12]10 further comprising an angle position sensor configured to provide information to a camera control unit to maintain a right side up image while the imaging probe rotates about the longitudinal axis.

14. (Once Amended) An endoscope comprising:

an elongated member having a longitudinal axis and a passage extending from a proximal end to a distal end of the elongated member;

an imaging probe positioned at the distal end of the elongated member, the imaging probe including:

an objective lens;

an imager positioned to receive an image from the objective lens;

a transmitter electrically connected to the imager;

a light source for illuminating a target; and

a first power source for supplying power to the transmitter and the light source;

a transceiver located at the proximal end of the elongated member, the transceiver receiving signals from the transmitter and transmitting the signals to a receiver external to the endoscope.

16. (Once Amended) The endoscope of claim [15]14 further comprising a second power source positioned at the proximal end of the elongated member and electrically connected to the transceiver.

20. (Once Amended) The endoscope of claim [19]17 wherein the actuating assembly includes a push rod assembly.